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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/768,673

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Michael Kramer

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EXAMINER

FIELDS, COURTNEY D

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,673

Applicant(s)

KRAMER ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4,6-7,9-17, and 19-26 are pending.

Affidavit/Declaration

2. The affidavit filed on 28 October 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Grantges, Jr. (U.S. Patent No. 6,234,648) reference.

3. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Grantges, Jr. (U.S. Patent No. 6,234,648) reference to either a constructive reduction to practice or an actual reduction to practice. Under 37 CFR 1.131, the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice, either actual or constructive (i.e., filing a United States patent application). Note, therefore, that only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon" is not relevant to an affidavit or declaration under 37 CFR 1.131. See *Ex parte Merz*, 75 USPQ 296 (Bd. App.1947) In the instant application, the affidavit and exhibits submitted show a data of conception prior to 12/13/99. However, neither the affidavit nor the exhibits provide a record of activity from the date of conception to the date of constructive reduction to practice.

Response to Arguments

4. Applicant's arguments filed 28 October 2005 have been fully considered but they are not persuasive.

5. Referring to the rejection of claim 1, the Applicant argues and contends that the prior art Grantges, Jr. does not teach nor suggest the use of a VPN server. The Examiner respectfully disagrees and asserts that Grantges, Jr. discloses a gateway proxy server (equivalent to a VPN server) located within a private network as shown in Figure 1 and Column 6, lines 37-40. The gateway proxy server is defined as a private server that facilitates a secure connection between the server and an external user outside the private network as shown in Column 6, lines 41-47. The connection is established using the TCP/IP protocol as shown in Column 5, lines 11-23. The gateway proxy server may also be implemented on the same server machine as the proxy server as shown in Column 6, lines 47-56.

6. Therefore, the rejection of claims 1-4, 6-7, 9-17, and 19-26 are maintained in view of the reasons above and in view of the reasons below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6,9-16, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Grantges, Jr. (US Patent No. 6,324,648).

Referring to the rejection of claims 1,12, and 20, Grantges, Jr. discloses a network environment that includes a public network such as the Internet and a private network, the public network including a client external to the private network, a method of a communications device of the external client establishing a secure connection over a public network to the private network without restricting the communications device to working through the private network, comprising the following:

a specific act of the external client establishing a connection with a virtual private network access server of the private network over the public network using the communication device, the virtual private network server providing the external client access to the private network as though the external client is part of the private network in Column 4, lines 8-22 and Figure 1.

a specific act of the external client providing security to the connection through a communication protocol that resides at or above a socket layer in a protocol stack in the external client uses to communicate data in Column 4, lines 23-32.

a specific act of the external client maintaining a session that uses the secure connection to communicate with the private network in Column 4, lines 33-61.

and during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of the communication device retaining the ability to establish a separate and distinct connection with another resource outside of the private network in Column 4, lines 61-65.

As per claim 2, Grantges, Jr. discloses the claimed limitation wherein during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of establishing a connection with another resource outside of the private network in Column 4, lines 66-67 and Column 5, lines 1-11.

As per claims 3,14, and 24, Grantges, Jr. discloses the claimed limitation wherein the specific act of the external client establishing a connection with the private network comprises a specific act of using Transmission Control Protocol (TCP) to establish a connection with the private network in Column 5, lines 22-23.

As per claims 4,6,15,16 and 25, Grantges, Jr. discloses the claimed limitation wherein a specific act of the external client using a Secure Socket Layer (SSL) protocol to provide security to the connection in Column 5, lines 11-23.

As per claim 9, Grantges, Jr. discloses the claimed limitation wherein the VPN access server (gateway proxy server) is implemented on the same server machine as a proxy sever that serves the private network in Column 5, lines 40-67 and Column 6, lines 1-11.

As per claim 10, Grantges, Jr. discloses the claimed limitation wherein the VPN access server is implemented on a different server machine than a proxy server that serves the private network in Column 6, line 37-67.

As per claims 11,21, and 23 Grantges, Jr. discloses the claimed limitation wherein the public network comprises portions of the Internet in Column 4, lines 10-12.

As per claim 13, Grantges, Jr. discloses the claimed limitation wherein the computer-readable media comprises a tangible computer readable medium in Column 9, lines 54-62.

As per claims 19 and 22, Grantges, Jr. discloses a network environment that includes a public network such as the Internet and a private network contained in the public network, the public network including a client external to the private corporate network, a method of a communications device of the external client establishing a secure connection over a public network to the private network without restricting the communications device to working through the private network, comprising the following:

a step for securely connecting to a virtual private network access server of the private network through a communication protocol that resides at or above a socket layer in a protocol stack that the external client uses to communicate data in order to retain the ability to establish a separate and distinct connection with a resource outside of the private network, the virtual private network access server providing the external client access to the private network as though the external client is part of the private network in Column 4, lines 8-61 and Figure 1.

and while securely connected to the virtual private network access server, a specific act of establish a connection with another resource outside of the private network in Column 4, lines 61-65.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges, Jr. in view of En, Laurence Lee Min, "Wireless Application Protocol Wireless Transport Layer Security" (WAP WTLS), Wireless Application Forum, Apr. 30, 1998. As per claims 1-4, 6, 9-16, and 19-25, Grantges, Jr. discloses a computer system providing authenticated access for a client computer over an insecure public network to one of a plurality of destination servers on a private secure network. However, Grantges, Jr. does not explicitly disclose the feature of using a Wireless Transport Layer Security to provide security to a connection. As per claims 7, 17, and 26, En discloses the claimed limitation wherein the specific act of the external client using a Wireless Transport Layer Security (WTLS) to provide security to the connection as shown on pages 6-7, see Section 3.2. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Grantges, Jr. secure gateway by combining En's wireless application protocol architecture. En provides secure connections and transactions essential for e-commerce or banking services over mobile devices. (See En, Laurence Lee Min, "Wireless Application Protocol Wireless Transport Layer Security" (WAP WTLS), page 4)

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cd

cdf

December 20, 2005

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137